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ABSTRACT

This paper examines policies regarding access to social benefits and the labor market in nine representative liberal industrialized democracies. Five are self-consciously nations of immigration: the United States, Canada, Australia, Israel, and France. Four are de-facto immigration nations within the European Union (EU): Germany, the Netherlands, Austria, and Britain. The countries reflect substantial variation in size and character of immigration flows, as well as differing regimes of access to both the social welfare state and labor market and approaches to granting citizenship. This analysis focuses on legal or tolerated immigrants. After section 1, "Introduction," section 2, "Access to Public Benefits: General Policy Trends," discusses the path to permanent status; rationing benefits by citizenship in the United States, Austria, and Britain; indirect bars to benefits; restrictions to contributory benefit programs; and whether rationing by citizenship makes good policy. Section 3, "Rationing Access to the Labor Market on the Basis of Citizenship," discusses public sector employment, private sector employment, and self-employment. Section 4 focuses on "Is Citizenship Enough? Antidiscrimination Policies." Section 5, "Policy Recommendations," offers five recommendations. An appendix presents summary tables (benefit eligibility by country). (Contains 63 references.) (SM)

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Social Rights and Citizenship: An International Comparison

Michael Fix and Laureen Laglagaron, The Urban Institute

A Report of the Working Group on Social Rights and Citizenship of the Carnegie Endowment for International Peace Comparative Citizenship Project

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I. INTRODUCTION

Liberal democratic states generally offer citizens benefits and entitlements on an equal basis: what T.H. Marshall referred to in a famous essay as " the basic human equality associated with full membership of a community" (Marshall 1950). In the current era of immigration, there are strong arguments for extending these entitlements beyond citizens to settled, permanent immigrants: especially those in jus sanguinis states where several generations are considered to be immigrants. These arguments are based on equity principles: settled immigrants pay taxes, obey the law, assume other social and community obligations, and are subject to the vicissitudes of the market that affect citizens and non-citizens alike. Arguments for equal treatment can also be based on the fact that withholding benefits imposes social costs. Restrictions can create spillover effects on the citizen members of immigrant families and expose immigrants and the other members of society to the health and other hazards associated with excluding residents from health care, education and other basic social supports.

As a result, many, but not all, liberal states that have witnessed high historical levels of immigration at the end of the twentieth century, have provided settled immigrants with access to benefits and to labor markets more or less on a par with citizens. In this chapter we address the question whether access to the social welfare state and to the labor market should be rationed on the basis of citizenship in liberal democracies, and, like many potential rights, be denied to established, presumably permanent non-citizens.

The use of citizenship rather than long term residence to ration public benefits raises significant concerns. Restrictive policies, like those enacted by the U.S. Congress in 1996 can increase hardship, impose disproportionate burdens on immigrant families and the citizen children who live within them,

slow integration, send exclusionary signals, and give citizenship a meaning quite different from the civic engagement many hope it connotes.

National labor policies that restrict established immigrants' access to private employment are relatively rare. Policies that deny permanent residents access to public employment and self-employment, however, are more common and are often overbroad in character. Immigration countries such as Australia, Canada and the United States offer legal immigrants strikingly open access to the labor market--access that accrues not just with citizenship or long term residence, but from the date most immigrants receive a legal status. As a result, these immigration nations extend labor market rights to legal non-citizens that exceed even the most inclusionary proposals now being advanced within the European Union. This open access, coupled with extensive anti-discrimination protections, appear to play an important role in the comparatively rapid economic integration of the second generation in the United States.

Liberal democracies have steadily moved from citizenship to personhood (Soysal 1994), or at least presumptive permanence, when allocating social rights. (By social rights we mean access to contributory and noncontributory social benefits, access to social investments such as job training, and access to the labor market.) This development represents a major postwar victory for liberalism (Joppke 1999). Why then explore the relationship of citizenship to social rights if the link between them is breaking down?

First, broader conceptions of membership are not necessarily secure. The shrinking of the welfare state in many industrialized countries and the periodic rise of anti-immigrant sentiment have led to policy proposals and new legislation that curb immigrants' access to benefits and work. This counter-trend has been forcefully in evidence in the United States, where in 1996 Congress enacted new

policies that restricted legal permanent residents' access to many important public benefits until naturalization. These policies shifted the bright line that once defined membership in U.S. society from legal residence to citizenship, thereby re-establishing the importance of citizenship in allocating social rights.

Second, the policies we examine were enacted during a period of decline in Europe's working age population, a decline arising from low fertility rates and increased longevity (United Nations 2000). The policy changes also occur within the context of an increasingly mobile flow of transnational residents: settlers who maintain lives in one or more nation states and who may or may not be citizens of each. And they take place within the context of a forty-year shift in the source of migration flows from developed to developing countries (Zlotnik 1998).[1] These migration and population trends mean that flows to industrialized countries are increasingly composed of ethnic and racial minorities, many of whom enter with comparatively low education levels. The new entrants are coming to represent an increasingly large segment of the host country's labor force. Each of these characteristics--being a visible minority, non-citizen status, low education credentials, and centrality to the labor force--suggests the importance of policies that promote social rights and integration and calls into question policies that ration benefits on the basis of citizenship.

Analytic Framework

States have adopted a range of general rules that define a set of immigrants' social rights. These include access to:

- the labor market, including immigrants' ability to freely choose a career, a workplace, or to be self-employed;

- noncontributory social welfare programs (cash transfer, child assistance, housing assistance, health care and health insurance programs);
- contributory social insurance programs (old age and pension programs as well as unemployment insurance); and
- selected social investment programs such as job training, grants and loans for higher education, integration assistance, and elementary and secondary education.

We have examined in detail policies regarding access to social benefits and the labor market in nine representative liberal industrialized democracies. Five are self-consciously nations of immigration: the United States, Canada, Australia, Israel, and France; and four are de facto immigration nations within the European Union: Germany, the Netherlands, Austria and Britain. These countries reflect substantial variation in the size and character of immigration flows, as well as differing regimes of access to both the social welfare state and labor market, and approaches to granting citizenship.

The many different legal statuses assigned to residents can be grouped into four general categories and ranked hierarchically with regard to membership rights. They are:

- *Citizens* - a category that includes some non-citizens who enter as virtual citizens (an example is ethnic Germans who are granted German citizenship upon request);
- *EU citizens* - citizens in EU member countries granted full social rights across the Union provided they are employed or self-employed; [2]
- *Presumptively permanent non-citizens* - long-settled non-citizens and other immigrants entitled by law to settled residence in the state (this group may include recognized refugees, persons authorized upon admission to reside permanently, and persons who attain such a right after a period of residence in the state)[3];

- *Presumptively temporary non-citizens* - non-citizens whose presence is invited or tolerated for a limited period of time and whose return is anticipated. Members of this group must change their legal status if they wish to reside or work in the host country after the period of time for which they have been admitted ends. Students, guest workers, asylum seekers can be included in this category.

We restrict our analysis to legal or tolerated immigrants, ignoring the undocumented or illegal immigrant population. For the most part, undocumented immigrants' lack of immigration status precludes their access to any public assistance.[4] The detailed results of our examination are set out in the charts in Appendix I.

II. Access To Public Benefits: General Policy Trends

Most of the nations examined here make presumptively permanent residents eligible for noncontributory and contributory benefits programs on similar terms as citizens.[5] In some instances recently arrived immigrants (citizens of an EU nation or "return" immigrants in Germany and Israel) are accorded full social and labor market rights upon entry. Their treatment is in sharp contrast to the handling of third-country nationals who constitute a majority of EU immigrants and whose social and labor rights accrue over time. (By third-country nationals we refer to foreign and native-born residents who hold non-EU citizenship.) These third-country nationals from outside the European Union typically need to establish permanent status or naturalize to obtain access to labor and welfare rights. Accordingly, rationing of immigrant benefits occurs by granting or withholding established immigrant status.

Immigrants whose presence is considered temporary and whose return is expected, enjoy fewer rights and their eligibility varies widely across nations. In fact, the immigrants who can be classified as temporary immigrants are quite heterogeneous. The group is composed of those who are in a probationary phase and on their way to established status, as well as those who are in the process of eventual voluntary or involuntary return from the host nation.

The Path To Permanent Status

It is important to recognize the degree to which each nation's *integration* policies are bound up in its *immigration* policies. Put simplistically, citizenship for many European nations is essentially a three-stage (or even more graduated) process that generally ascends from temporary to established status, and then to citizenship.

In contrast, progress to citizenship in certain immigration countries (the United States, Australia and Canada), generally occurs in two stages, with the immigrant entering as a legal permanent resident or landed immigrant and then converting to citizenship.[6] Accordingly, many of the comparisons we make are between this first stage in the immigration nations (that is, those of permanent resident or landed immigrant status) and Europe's second stage (established immigrant).[7]

Within most European countries, making the transition from a temporary to a permanent immigration status is a lengthy and often onerous task, especially for third-country nationals.[8] These third-country nationals often hold a temporary status for four to five years before being authorized to apply for a more permanent immigration status.[9] Receipt of permanent status is typically dependent upon proof the petitioner:

- is employed and his or her employment conforms to established labor quotas;
- has sufficient income and/or housing for themselves and their family;

- knows the native language; and,
- is of good moral character (that is, has no criminal record).

While the conditions for making the transition from temporary to permanent status vary widely across nations of the EU, the share of third-country nationals with established status appears to be roughly similar. In Austria 55 percent hold established permit status; 66 percent do so in France.

The time period for the subsequent transition from permanent residence to citizenship varies across the nations studied. In Australia, legal immigrants can naturalize two years after entry. Non-citizens in Britain, France, the Netherlands and the United States are eligible for naturalization after five years of permanent residency status (spouses of U.S. citizens may naturalize in the U.S. in three years). Longer periods generally pertain in Germany, where the wait is a minimum of eight years under the usually applicable rules, and in Austria, where non-citizens may wait anywhere between six and thirty years before obtaining citizenship (Groenendijk, Guild, and Barzilay 2000). All the countries in our study, with the exception of Austria, have established jus soli principles for conferring citizenship to second and third-generation immigrants, typically making citizenship immediately available to third-generation immigrants and widely available to second-generation immigrants once they reached the age of majority.

Rationing Benefits By Citizenship: The U.S, Austria And Britain.

While the use of citizenship (versus permanent residence) to ration social rights proves to be the exception and not the rule across countries, there are important exceptions, including the United States, Austria and Britain. Following the U.S. Congress' enactment of welfare reform legislation in 1996, many newly entering immigrants were denied federal health insurance, nutrition benefits, welfare and related work supports, and aid to the aged and disabled until naturalization. The restrictions apply more

forcefully to immigrants arriving after 1996. Exceptions are made for immigrants who have worked for forty quarters (ten years) in formal or "covered" employment, (typically in jobs where Social Security taxes are paid), for refugees and asylees, and non-citizens who have served in the military. The $20 billion in savings over five years these restrictions were expected to generate would have accounted for half of welfare reform law's total savings.

The United States has not been alone in rationing benefits in this manner. Five out of the nine Austrian provinces bar third-country nationals (that is, foreign and native-born residents who hold non-EU citizenship) from many of their social assistance programs altogether. And in other provinces third-country nationals receive lower benefits than citizens. Third-country nationals are barred from receiving housing subsidies that would permit them to buy or build houses, and until recently they have been prohibited from renting any subsidized flats owned by the municipality of Vienna (Groenendijk, Guild, and Barzilay 2000).

In 1999, Britain enacted the Asylum and Immigration Act of 1999, a law that resembles the U.S. welfare law's immigrant restrictions. The law bars presumptively permanent third-country nationals (excluding refugees) from noncontributory social programs for five years following entry, at which point they would be entitled to apply for established status (Groenendijk, Guild, and Barzilay 2000). This law is based on the premise that in order to qualify for indefinite leave to remain in Britain (i.e., presumptively permanent status), third-country nationals must prove that they have sufficient income and housing and that they and any family members have had no recourse to public funds.[10]

Indirect Bars To Benefits

Some benefit restrictions are less direct than the explicit bars just described. In Germany and Austria, for example, many permanent immigrants' de facto eligibility for social welfare benefits can be

undermined by the state's authority to withdraw work or residence permits if the non-citizen becomes dependent on public aid. In practice, however, withdrawal of residence permits and expulsion are extremely rare for established immigrants in Germany.[11] A similar situation exists in the United States where the federal government has rarely exercised its statutory authority to remove legal permanent residents who become dependent on public benefits within five years of admission.

Nations' restrictions on non-citizens' benefit use can also take the form of new sponsorship requirements. For example, the English-speaking immigration countries (Australia, Canada and the United States) introduced new controls in the mid 1990s that shift the legal obligations for immigrants' support from the state to their sponsors. The support requirement's duration varies across countries,[12] as does its scope. Immigrant families in the United States are expected to pay for health insurance; in Canada and Australia they are not. In each case, though, the obligation is lifted when the immigrant becomes a citizen, thereby creating a powerful incentive to naturalize. By creating these new incentives to naturalize, policy makers have altered immigrants' motives for seeking citizenship, giving instrumental concerns greater weight and subordinating the arguably more "authentic" motives of national loyalty and solidarity[13].

Restrictions To Contributory Benefit Programs

Although the United States, Germany, Austria and Britain have restricted permanent residents' use of non-contributory public benefits, non-citizen use of contributory public benefits is less limited.[14] Eligibility for these contributory benefits in member states is typically triggered by participation in the labor force. Because contributory public benefits are usually tied to employment, a country's labor and anti-discrimination legislation will have a powerful influence on presumptively permanent immigrants' participation in contributory public programs such as unemployment insurance and pensions.

Some distinctions between established immigrants and citizens have been drawn in the nations examined, however. Austria, for example, restricts assistance for long-term unemployment benefits to persons who are born in Austria, or who have spent half their lives or half their time of compulsory schooling in Austria.

Does Rationing Benefits By Citizenship Make Good Policy?

A number of arguments may be offered in support of limiting non-citizens' access to public benefits. First, income disparities between developed and developing countries are so wide that benefits offered by the host country exceed income opportunities in the sending countries (Borjas 2001). As a result, nations that offer immigrants generous benefits serve as a magnet for poor immigrants who would qualify for subsidies and repel those who would have to pay for them. Thus, welfare's availability changes the composition of the immigration flow and enables some unintegrated immigrants to stay who would have otherwise returned, leading to a decline in immigrant quality.

Second, immigrants represent a disproportionately large share of welfare users, imposing high costs on taxpayers.[15] This drain on state resources, it might be argued, jeopardizes the social contract that maintains the welfare state, and turns public opinion against more inclusive immigration policies. Further, it is reasonable that the immigrant's support should fall to his or her sponsor, who benefits from being able to unite with a family member or by obtaining a new employee (or both, in some instances).

Finally, restricting benefits to citizens provides an incentive to naturalize (Archer and Smith 2000). The naturalization process, in turn, has an independent integrating effect produced by requirements to learn the language and to develop at least a rudimentary historical, political and cultural understanding of the host country.[16]

But the rationing of benefits by citizenship raises substantial concerns as well. In the first instance, such schemes discriminate against presumptively permanent residents by putting them in the position of having to contribute to the state without receiving the reciprocal benefits that flow to other members. That is, non-citizens pay sales, income, estate, gift and social security taxes, can be drafted in times of war in some nations, but remain ineligible for noncontributory benefits if they fall on hard times.

Second, restrictions on rights that are removed by naturalization give citizenship an increasingly instrumental value as immigrants naturalize to get safety net or work support services or to relieve their sponsors of a binding support contract. The resulting conception of citizenship is at odds with the nation-building goal of promoting durable and wholehearted civic engagement[17].

Third, restrictions on non-citizens' access to non-contributory benefits imposed by Austria, the United States and Britain raise integration concerns. Our data reveal that in the U.S. the families who stand to be cut off from social benefits by new citizenship restrictions are among the neediest. Immigrant children in the U.S. are more likely to be poor, to live in overcrowded housing, and to report being in poor health than children of natives. Not surprisingly, they are far less likely to be insured or to have a usual source of care than their counterparts in families headed by a citizen (Capps 2001). Similar results, presumably, would obtain in the other industrialized countries that have introduced benefit restrictions. Viewed from an integration perspective, restricted access to public health insurance, coupled with the diminished medical care that results, can lead to poor and declining health outcomes among children as they age. Restricted access to publicly subsidized work supports such as child care, transportation assistance and job and language training can limit immigrant labor force participation and slow mobility.

Fourth, we have found that restricting legal non-citizens' access to public benefits--especially in jus soli nations--has unintended and arguably discriminatory spillover effects on citizen children. In the

United States three quarters of all children in immigrant families (i.e., with one or more foreign-born parent) are citizens (Fix and Zimmerman 1999). Since enactment of the welfare legislation in the United States in 1996, there has been a reduction in benefits use not just among the non-citizen adults who were the policies' targets, but also among the citizen children who live in their families and within the same, typically constrained, family budget.

Fifth, federal benefit restrictions decouple the national government's role as gatekeeper from its responsibility for paying the costs of newcomers' settlement. These costs, then, fall disproportionately on the local and regional receiving communities. To the extent that state and local governments follow the national government's lead in erecting eligibility restrictions, non-citizens are likely to suffer more limited freedom of movement than their citizen counterparts. As the decision to grant or deny health and other benefits falls increasingly to subnational units of government, immigrants' levels of food insecurity, health care access and outcomes may vary more widely across states or communities than citizens'.

Finally, the symbolic message that such exclusions send to established immigrant populations--messages that they do not belong--can be alienating, effectively discouraging the kind of feelings of membership that would promote citizenship.

We believe that these concerns about excluding presumptively permanent immigrants substantially outweigh the arguments offered in support of exclusion--a conclusion affirmed by most of the states in our study. Accordingly, we recommend that:

- Access to welfare and other social benefits should be conditioned upon presumptive permanence and not citizenship.
- Rights to residence should not be jeopardized by intermittent use of public benefits among presumptively permanent populations.

At the same time, though, we acknowledge that immigrants' sponsors should carry a time-bounded support obligation for most cash and in kind programs. We also acknowledge that immigrants who refuse to work within the first years after entry for reasons that did not arise following admission, should face restricted access to benefits.

III. Rationing Access To The Labor Market On The Basis Of Citizenship

Public Sector Employment

Citizenship still matters in the rationing of public sector jobs across virtually all the nations explored. While blanket exclusion of noncitizens from all civil service jobs have been struck down, [18] nonetheless, courts have held that governments can reserve certain public sector jobs ranging from public school teachers,[19] to state troopers,[20] to probation officers (and arguably toll booth operators (Weissbrodt 1998) to citizens. Along similar lines, France, restricts all railway, postal and hospital jobs to EU citizens. Germany bars third-country nationals from all jobs in government service, including employment in public transportation and kindergartens (Vermeulen 1997). In countries where major economic sectors are administered by the government, the implications of reserving public sector jobs for citizens are more far reaching.

Two widely accepted rationales for restricting public sector employment are commonly advanced. Such policies are said to promote national security and to limit public policy decision making to full members of the state. There are, however, other rationales for limiting non-citizens' access to public employment that sweep far more broadly. These include giving non-citizens an incentive to naturalize, or simply reserving a valuable public good for the citizenry.

There are strong reasons to adopt more inclusionary policies regarding non-citizens' access to public sector jobs. From an instrumental perspective, it could be argued that immigrants represent an expanding share of the total labor force and that their exclusion from the public sector restricts governments' access to a potentially rich labor pool. In an era of demographic change, it makes sense to include members of language and other minorities in the public service to promote better communication between communities of immigrant origin and police forces, public school faculties, licensing offices and the like. Further, an inclusionary approach to public employment can promote a shared identity of immigrants with the state and the nation, rather than their withdrawal or exclusion from it. In some cases, this may require not just liberal hiring policies but that mainstream institutions make special accommodations. [21]

From an equity perspective, some of the same arguments for reciprocity arise with regard to public sector jobs as public benefits: non-citizens assume most of the obligations of citizens and so should be due most of the societal benefits they receive. Moreover, it seems that the logic of excluding immigrants from state or local public sector jobs that carry policy responsibilities may be called into question if non-citizens are granted the franchise at the local, if not the national level. Further, it is arguably inequitable to broadly proscribe the hiring of legal non-citizens for national security purposes in nations like the United States that require them to serve in the military in times of war. [22]

Private Sector Employment

In most of the states we have examined, presumptively permanent immigrants enjoy the same access to the private labor market as citizens. (These policies are catalogued in Appendix I.) Our review also reveals that national policies generally do not encourage private employers to discriminate in favor of citizens, and some states have express prohibitions on such discrimination.

Australia, Britain, Canada, and the United States offer striking examples of open access from the time of admission to both the labor market and self-employment. This access exceeds some of the most progressive, inclusionary proposals contemplated for the European Union.[23] Again, as in the area of social welfare, these progressive policies may be less a function of the nations' integration than of its immigration rules--which admit immigrants as permanent residents on track for citizenship--rather than as temporary labor migrants.

There are, however, important exceptions to this overall pattern of comparatively inclusionary labor market policies. While citizens from EU countries enjoy free movement and open access to the labor markets in other EU countries, the same cannot be said for third-country nationals. Employment of third country nationals is restricted to the EU state of residence only. In Germany, family members of third-country nationals who do not hold unrestricted residence or work permits can be refused a labor permit if a German or EU citizen is available for the job. In some German regions these family members--who will likely become long term, if not permanent residents--can be excluded from all employment (Groenendijk, Guild, and Barzilay 2000). Moreover access to the permanent residence status needed for free labor movement is limited by requirements that the applicant have a long employment record and by language tests.

Extensive restrictions on established non-citizens' access to employment also exist in Austria. Family members of third-country nationals can be excluded from the labor market for a period of four to eight years. And the employment rights of many established third-country nationals remain insecure, as they must periodically renew their work permits and can be turned down depending on patterns of labor market demand. Moreover access to more secure jobs in the large, semi-public sector is heavily

influenced by political patronage, strong trade union control and formal citizenship barriers: which taken together virtually exclude immigrant workers from those jobs.

Plainly, policies that facilitate the acquisition of nationality would open access to employment. Another strategy for increasing access to the labor market was advanced by The European Commission in spring, 2001. At that time the Commission issued a directive proposing that after five years third country nationals be allowed to work not just in their EU country of residence but other EU states as well.

Despite the comparative openness of the U.S. labor market, citizenship can still serve as a tie-breaker as employers can legitimately prefer a citizen over an "authorized alien" where the two are equally qualified for a job.[24] This legal defense may not only undermine the norms that reject alienage discrimination, it could be used by employers to cloak unauthorized discrimination on the basis of national origin or race. In contrast, preferring a citizen over a non-citizen in the case of two equal candidates for hire is unlawful under British and Dutch law (Groenendijk 2000). In practice, though, the use of citizenship as a tie-breaker has rarely been invoked. Hence the provision stands as an anomaly against the backdrop of an antidiscrimination scheme that otherwise guards against citizenship discrimination.

It should be noted that many citizenship barriers to certain professions (such as attorneys) have only fallen in the past two decades in the United States, largely as a result of litigation (Plascencia, Freeman and Setzler 1999). Moreover, non-citizen professionals in the U.S. and other developed nations frequently encounter difficulties in getting their foreign professional qualifications recognized in the United States. (Transatlantic Learning Community 2000).

Self-employment

Distinctions between citizens and non-citizens also arise in the area of self-employment. Non-citizens in France are barred from operating liquor or tobacco stores (Faist 2000). In Britain, non-citizens who wish to operate their own business must demonstrate that they can provide employment for at least two persons already living in the country (Faist 2000). The economic significance of open access to self-employment should not be underestimated: self employed immigrants in the United States are the highest income class of all immigrants by a substantial margin (Fix and Passel 1994). Moreover, self-employment has a multiplier effect as many foreign born workers (as well as native workers) in the U.S. and Britain work for immigrant entrepreneurs.

IV. Is Citizenship Enough? Anti-discrimination Policies

Patterns of persistent disadvantage characterize some communities of immigrant origin within the nations we have examined. Thus despite the fact that settled immigrants are generally afforded the economic and social rights granted citizens and despite the fact that naturalization guarantees immigrants all the right of citizenship, it is plain that policies granting formal rights of access to social benefits and labor markets are not enough to bring about conditions of equality between native members of the host society and the visible minority groups that so frequently constitute communities of immigrant origin.

These facts raise broad questions of social policy well beyond the scope of this study. What we examine here is the place of anti-discrimination policy in a broader integration and citizenship agenda[25].

In the first place, it should be obvious that inclusionary welfare and work policies can be subverted by widespread discrimination in the labor market. Exclusion from the labor market will lead to

exclusion from contributory social benefits such as social security and unemployment insurance that are tied to labor force participation.

Less obviously, discrimination will also lead to exclusion from the *noncontributory* social benefits that have become directly linked to work under the rules of the new welfare state. In the United States, for example, non-citizens' can receive selected federal benefits if they can establish that they worked for forty quarters in formal employment. Several nations now link non-citizens' access to scholarships for post secondary education to either the immigrants' parent or the student's own employment history. By effectively making post-secondary education inaccessible, workplace discrimination not only disrupts the integration of the first-generation victim, it can also stall the integration of immigrants' children.[26] And, of course, discrimination in the labor market can defeat the goals of welfare to work programs as public funds spent on training are wasted, and potential workers demoralized.

Finally, as many social rights flow from private sector employment (health benefits, child care and disability payments, for example) workplace discrimination denies non-citizens these integrating benefits, as well.

We focus here on the experience of the United States, which has comparatively extensive anti-discrimination protections, enforcement regimes and open labor markets, to see what lessons may be learned for immigrant integration policy. [27]

Recent research shows that, overall, second-generation workers aged 20 to 30 in the U.S. have comparable incomes and wages to third and later-generation white, non-Hispanic immigrants (Passel and Van Hook 2000). There are differences across groups: Asians in general do better than whites and Hispanics do worse. To the extent that second-generation immigrant wages lag non-Hispanic whites, the

difference can be almost entirely accounted for by educational attainment. Our review of the literature indicates that the persistence of disadvantage in immigrant communities in Europe cannot be as completely explained by education levels and that discrimination may account for a larger share of the second and even third-generations' lagged economic progress (Wrench, Rea, and Ouali 1999).

Further few EU states have a long tradition of detailed, comprehensive legislation forbidding racial discrimination. Britain and the Netherlands are exceptions; both have laws modeled after the first generation of U.S. civil rights legislation. But even in these countries sanctions are comparatively weak and enforcement is not systematic, owing to the absence of strong enforcement agencies.

Systematic ethnic registration and monitoring of employers is virtually absent in almost all EU states. The Dutch positive action legislation of the early 1990s that required ethnic registration of workers was highly controversial, was largely unenforced and did not have strong, clear outcomes.

This slow evolution of antidiscrimination protections context underscores the significance of the 2000 European Commission directive against racial discrimination that would oblige the 15 member states to adopt comprehensive antidiscrimination legislation by mid 2003.[28]

The experience of the US suggests that some elements of an effective antidiscrimination regime that are only selectively present within the EU member nations might include::

- The establishment of administrative agencies that carry the right to impose civil sanctions for national origin as well as alienage discrimination and have the authority to initiate criminal prosecutions for serious and repeated offenses
- The grant of a private right of action to aggrieved parties;
- The provision of inexpensive and ready access to a forum in which disputes can be heard and resolved; and

- The financing of extensive monitoring of changes in the character and extent of discriminatory patterns--perhaps using the strategy of paired testing..

V. Policy Recommendations

Our policy recommendations here are consistent with a trend toward convergence among liberal democracies. Importantly, states have generally concluded that ensuring access to social benefits and labor markets for presumptively permanent immigrants does not undermine citizenship. Rather, such policies improve the chances of the kind of successful social and economic integration that ought to accompany full formal membership in a state.

Specifically, we recommend:

- Access to welfare and other social benefits should not be conditioned upon citizenship as their withdrawal is more likely to slow than accelerate integration, and their provision will not diminish the importance of citizenship as a statement of civic engagement on the part of the individual. Presumptive permanence rather than citizenship should suffice for access to most benefits made available under the welfare state.
- Neither rights to residence or labor market security--nor rights to naturalization itself--should be jeopardized by intermittent use of public benefits among presumptively permanent immigrants. Insecure residence and work rights for long term residents are a self-evident barrier to integration.
- While sponsor support obligations such as those recently adopted by Canada, Australia and the U.S. are legitimate, they should not impose an open-ended fiscal liability on immigrants' sponsors, and should not lead to gross disparities between the obligations imposed on the

families of legal immigrants and those imposed on citizens. To illustrate, immigrants' sponsors should not be expected to finance the cost of providing health insurance to sponsored immigrants where extensive public programs exist for citizen populations.

- In general, employment, like welfare rules, should be constructed to promote integration of presumptively permanent residents. Hence citizenship should not be erected as a barrier to the labor market or to self-employment. In practice this will mean that citizenship should generally not be a condition for the grant of professional licenses, for apprenticeships, or for entry into the civil service or the great majority of public sector jobs. Exceptions may be made for positions that implicate national security or high-level policy-making positions, but they should be closely circumscribed. The use of citizenship as a tie-breaker between equally qualified citizen and non-citizen candidates is problematic as it may complicate enforcement of bars against alienage and national-origin discrimination.
- Anti-discrimination policies, coupled with enforcement systems that are carefully designed and adequately funded, can be important tools in ensuring that rights to access to private employment are protected and in promoting social and economic equality for immigrants and for citizens who are members of communities of immigrant origin.

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[1] Zlotnik (1998) assessed international migration trends in the following five countries included in our analysis: the United States, Canada, Australia, Germany and the Netherlands.

[2] EU citizens who do not have a job must have sufficient income and private health insurance to cover their stay in another member country (Groenendijk 2000).

[3] Hammar (1989) labels this class of settled immigrants who are generally eligible for most social and economic rights as "denizens."

[4] In strictly jus soli nations such as the United States and Canada, however, the citizen children of undocumented immigrants are eligible for the full range of benefits, creating tiers of eligibility within one family. The consequences for these "mixed" status households are particularly distressing when social rights are rationed based on citizenship (Fix and Zimmermann 1999).

[5] This strong central tendency among the nations studied has led us away from attempting to rank them on the basis of the relative inclusiveness of their rights regimes. Such a ranking would be more meaningful for temporary than for established immigrants.

[6] That said, there is substantial movement from temporary to permanent legal status in the United States among students, workers and even visitors as attachments deepen, marriages form, and permanent jobs are found.

[7] As Brubaker writes, "Thus the status of permanent resident alien in the United States and landed immigrant in Canada is roughly similar to that of persons with 'indefinite leave to remain' in the United Kingdom, of persons with 'right to residence' (*Aufenthaltsberechtigung*) in the Federal Republic of Germany, of persons with the 'Carte de Resident' in France… " (Brubaker 1999).

[8] Certain factors such as marriage to a citizen, family reunification and refugee status can speed up the transition from a temporary non-citizen to a presumptively permanent immigrant, and thus access to public benefits.

[9] The time from entry to the grant of established status can range widely from a matter of months to ten years or more. For example, in Austria, the transition can be conditioned upon the issuance of multiple temporary permits of short duration or with single administrative approval, as is the case in France.

[10] The Immigration and Asylum Act 1999 encountered significant legal barriers soon after enactment. A ruling issued on June 22, 2000 in the cases of *O vs. London Borough of Wandsworth* and *Bhikha vs. Leicester City Council* states that Social Service agencies should not consider immigration status when assessing an individual client's need for assistance under s 21 National Assistance Act 1948 (amended by s 116 Immigration and Asylum Act 1999). Shifting the burden of determining immigrant status back to the Secretary of State, the ruling stated that local Social Service authorities did not have the authority to "starve immigrants out of the country by withholding last resort assistance" (Sandhu 2000).

[11] For temporary immigrants, the threat of loss of work and residence permits in Germany is much more real.

[12] In Canada sponsors are required to offer support for 10 years and in Australia for two years. No fixed term of years is set for the United States where an immigrant must work for 40 quarters in covered employment or must have naturalized.

[13] While the 1996 laws create powerful new instrumental incentives to naturalize, it is likely that, naturalization has historically been the result of mixed motives. And in many instances we suspect that more authentic attachments have followed the process of naturalization sought for instrumental reasons.

[14] It is important to point out that programs that are public and non-contributory in one country may be private and contributory in one country. Health insurance, for example, can fulfill both these criteria. The program description at the end of each table indicates whether or not a program is contributory.

[15] Again, this evidence is contested. For example, a German study found that immigrants are net contributors to the social security system because they tend to be younger than the native population (Groenendijk 2000).

[16] Alternatively, many politicians in the EU oppose liberalizing the acquisition of citizenship for the very reason that they view citizenship to be the culmination of the integration process rather than a vehicle towards it.

[17] It remains to be seen, though, whether the increased power of instrumental imperatives to naturalize make for less loyal, engaged citizens than was the case when fewer benefits and rights flowed from naturalization.

[18] *Sugarman v. Dougall*, 413 U.S. 634 (1973).

[19] *Ambach v. Norwick*, 441 U.S. 68 (1979).

[20] *Foley v. Connelie*, 435 U.S. 291 (1978).

[21] Will Kymlicka offers a good example of the kind of challenge that policy makers might address in order to expand minorities' public sector employment. He cites the case of "Sikhs who wanted to join the Royal Canadian Mounted Police, but because of their religious requirements to wear a turban, could not do so unless they were exempted from the usual requirements regarding ceremonial headgear" (Kymlicka 1995). British schools that require the wearing of uniforms solved one such dilemma by allowing Sikh boys to wear a turban in lieu of the traditional cap providing that the turban was in school colors (Groenendijk 2000).

[22] While non-citizens can be drafted in time of war, they are barred from serving as commissioned officers in the United States military (Weissbrodt 1998: 449).

[23] See, for example, The Starting Line Group's proposal for expanding the labor market rights for third-country nationals as set out in Article 13 of the Treaty of Amsterdam. The Group calls for third-country nationals to enjoy: "Free access to any paid employment of his or her choice…*after two years legal employment: (and)*… free access to any paid employment or self-employment in any member state *after three years legal employment*," (emphasis added) (Chopin and Niessen 1998).

[24] This defense can be used for hiring but not for discharges or layoffs under U.S. law. INA Sec. 274B(a)(4).

[25] For a broad, incisive portrait of ethnic minorities and the disadvantage that is common to many, see, for example, Tariq Modood et. al. *Ethnic Minorities in Britain, Diversity and Disadvantage*, Policy Studies Institute, London, 1997.

[26] In Germany children of permanent residents have the same right as German citizens to scholarships if they have "lawfully worked for five years in Germany or one of their parents has worked in the country for three years in the last six years (Groenendijk, Guild, and Barzilay 2000: 46).

[27] With regard to the claimed exceptionalism of United States' policies, in this regard we would note that in 1998, the federal budget for anti-discrimination enforcement was approximately $600 million dollars. Moreover this represents the tip of the public sector iceberg as the federal anti-discrimination structure is to a great degree replicated at state and local government levels.

[28] Restricting discrimination on the basis of citizenship may also have positive effects on combating racial and ethnic prejudice. In Britain and the Netherlands, for example, the inclusion of the prohibition to

discriminate on the basis of citizenship, in addition to discrimination on the basis of race or ethnic origin, through the British Race Relations Act of 1976 and the Dutch General Equal Treatment Act of 1994, has made action against racial discrimination more effective.

APPENDIX I
Summary Tables of Benefit Eligibility by Country

Table 1. Summary Table of Benefit Eligibility in Australia

		Safety Net					Social Insurance				Social Investments				Access to Labor Market
Status		Social Assistance	Housing Assistance: Rental Assistance	Housing Assistance: Public Housing	Child Assistance	Parenting Payment	Health care and Insurance (Medicare)	Disability Support Pension	Social Security	Age Pension	Integration Assistance	Education	Education for Children	Job Training	
Citizen	Australian Nationals	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
Presumptively Permanent	Migrants with permanent residence permit (Migration Stream)	Limited for first two years; eligible afterwards[a]	Limited for first two years; eligible afterwards[a]	Limited for first two years; eligible afterwards[a]	Yes	Yes	Limited for first two years; eligible afterwards[a]	Yes	Limited for first two years; eligible afterwards[a]	10 year residency requirement, eligible afterwards	Yes	Limited for first two years; eligible afterwards[a]	Yes	Yes	Open
	Recognized refugees (Humanitarian Stream)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes (may be waived from residency requirement)	Yes	Yes	Yes	Yes	Open
Presumptively Temporary	Asylum seekers with bridging visa	Yes[b]	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	No	No	No	Limited[d]
	Asylum seekers without a bridging visa	No	No	No	No	No	No	No	No	No	No	No	No	No	No
	Temporary workers and visitors (Economic, Socio/Cultural, and International Relations Streams)	Yes[c]	Yes[c]	Yes[c]	Yes[c]	No	Yes[c]	No	Yes[c]	Yes[c]	Yes	Yes	Yes	Yes	Limited[d]

Sources: Australian Bureau of Statistics 2000; Australian Department of Immigration and Multicultural Affairs 2000; Borowski 2000; Centrelink 2000; Zappalà and Castles 2000; Bommes, Castles, Wihtol de Wenden 1999; Murphy and Williams 1998; Birrel and Evans 1996; Healy 1996; Khoo 1994. Additional information provided by Allan Borowski of Latrobe University.

[a]Migrants in the Migration Stream category must have been sponsored by a citizen or permanent resident who will post an Assurance of Support bond which will repay certain benefits claimed during the migrant's first two years of residence in Australia
[b]Not available to all asylum seekers; in some cases eligibility is dependent upon the type of bridging visa granted
[c]These migrants are only eligible to claim these benefits following a two-year waiting period
[d]Not open to temporary visitors

Description of Benefit Programs in Australia

Social Assistance - Means-tested cash payments to needy individuals and immigrants who have passed the two-year waiting period.
Rental Assistance - Allowance towards private rental accommodations.
Public Housing - Publicly owned housing units available for the poor.
Child Assistance (Family Assistance) - Cash payments provided to families with children.
Parenting Payment - Cash assistance provided to individuals who become single parents.
Health Care and Insurance (Medicare) - Contributory health services available to all, although migrants must fulfill with two-year residency requirement.
Disability Support Pension - Available to immigrants if the inability to work due to physical, intellectual or psychiatric impairment occurred after arriving in Australia.
Social Security - Means-tested flat-rate categorical income support system for the unemployed and elderly.
Age Pension - Means-tested old age pension. All claimants/applicants must be Australian residents for at least ten years. Those who arrived in Australia as refugees or under a special humanitarian program may be exempted
Integration Assistance - English language tuition for immigrants older than 18 years and with insufficient English abilities.
Education - Grants for state-sponsored higher education, generally through the Austudy program.
Education for Children - Public education.
Job Training - Vocational training provided by the state and individual employers.

Percentage of Foreign-Born in Total Population: 23% (1998)

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Table 2. Summary Table of Benefit Eligibility in Austria

Status		Safety Net				Social Insurance				Social Investments			Access to the Labor Market
		Social Assistance (Sozialhilfe)	Housing Assistance: Rental Assistance	Housing Assistance: Social Housing	Family Assistance (Familienbeihilfe)	Health care and insurance	Old Age Pension	Social Security Insurance	Unemployment Insurance	Grants or Loans for Higher Education	Education for Children	Job Training	
Citizen	Austrian Nationals	Yes	Yes	Yes	Yes	for employed, registered unemployed and their families	after being employed for a certain time	after being employed for a certain time	after being employed for a certain time	Yes	Yes	Yes	Open
Presumptively Permanent	Settled Workers (Non-citizens resident for more than 8 years)	Limited / Local restrictions[a]	Limited / Local Restrictions[a]	Local restrictions[b]	Limited[c]	for employed, registered unemployed and their families[d]	after being employed for a certain time	Limited[c]	after being employed for a certain time	Limited[e]	Yes	Limited[c]	Restricted[f]
	Other workers (noncitizens resident for less than 8 years)	Limited / Local restrictions[a]	Limited / Local Restrictions[a]	Local restrictions[b]	Limited[c]	for employed, registered unemployed and their families[d]	after being employed for a certain time	Limited[c]	after being employed for a certain time	Limited[e]	Yes	Limited[c]	Restricted[f]
	Recognized Refugees	Yes	Yes	Yes	Yes	for employed, registered unemployed and their families	after being employed for a certain time	after being employed for a certain time	after being employed for a certain time	Yes	Yes	Yes	Open
Presumptively Temporary	Asylum seekers and de facto refugees	Limited / Local restrictions[a]	No[g]	Limited / Local restrictions[b]	No[c]	Limited[h]	No[i]	No[i]	No[i]	No	Yes[e]	No	Severely restricted / no access[k]
	Temporary workers: seasonal workers, harvesters and "rotating workers"[l]	Limited / Local restrictions[a]	No[g]	No[i]	Limited[c]	Yes	Limited[j]	Limited[c]	Limited[c]	No	Yes[e]	No	Restricted[m]
Supra-national	EU Members	Yes	Yes	Yes	Yes	for employed, registered unemployed and their families	after being employed for a certain time	after being employed for a certain time	after being employed for a certain time	Yes	Yes	Yes	Open

Source: Waldrauch 2000; SOPEMI 1999. Additional information provided by Harald Waldrauch based on the following two volumes. Ulrike Davy, ed., forthcoming. "Die Integration von Einwanderern. Band 1:Rechtliche Regelungen im europäischen Vergleich." [The Integration of Immigrants. Volume 1: Comparing Legal Rules in European States.] Frankfurt, New York: Campus Verlag. Harald Waldrauch, ed., forthcoming. "Die Integration von Einwanderern. Band 2: Ein Index legaler Diskriminierung." [The Integration of Immigrants. Volume 2: An Index of Legal Discrimination.] Frankfurt, New York: Campus Verlag.

[a] In 5 out of 9 regions, third country nationals have access to social assistance only after 3-6 months, but even then they (like third-country nationals in a sixth region) are excluded from certain types of assistance (aid in special circumstances, social services and some types of aid to subsistence) and in 3 out of the 5 they are not given a legal claim to aid to subsistence (like citizens). Continued use of social assistance may lead to non-renewal of a residence permit or expulsion within the first 5 years of residence. Between 5 and 8 years, if there is no possibility of paying for own subsistence, non-renewal of residence permit or expulsion may occur only in case the person is not willing and/or not able to earn his/her living. Only after 8 years of residence does the threat of non-renewal of residence permit or expulsion desist.

[b] In six out of nine provinces third country nationals are explicitly excluded from rental assistance, in the other three it is bound to additional criteria.

[c] Flats in houses built, bought or renovated with public funds shall be rented out to persons whose income does not exceed certain limits. Non-citizens may be beneficiaries but there is no rule of non-discrimination against them so they may be excluded; most importantly: third-country nationals are explicitly excluded from access to subsidized flats owned by the municipality of Vienna (about one fourth of all flats of Austria's capital). In addition: Third-country nationals are excluded from subsidies for buying or building (sometimes even renovating) houses or flats in all nine provinces.

[d] Limited to non-citizens in the labor market or with 5 years of legal residence. In addition: no family assistance for children living abroad.

[e] Lack of health insurance may lead to non-renewal of residence permit or expulsion within the first 5 years of residence. Between 5 and 8 years, if the person concerned does not have health insurance, non-renewal of residence permit or expulsion may occur only in case the person is not willing and/or not able to earn his/her living. Only after 8 years of residence does the threat of non-renewal of residence permit or expulsion desist. In addition: no health insurance for family members (of citizens or noncitizens) living abroad (unless provided for in bilateral agreements).

[f] Non-citizens who have resided in Austria for more than 8 years are entitled to an unlimited benefit for long-term unemployed individuals.

[g] Third-country nationals are eligible for grants only if their parents were subject to income tax for 5 years in Austria, if they had the centre of their life in Austria during this time and if they passed their school-leaving examination in Austria.

[h] A) Non-employed third-country nationals who may not be granted a work permit are not eligible for job trainings paid by the public employment office. A ministerial decree, though, has extended the groups of resident noncitizens who are eligible in principle for work permits and therefore also for job training courses considerably. B) Young noncitizens also need a work permit for taking on an apprenticeship. A considerable number of young persons did not fulfil the conditions for being granted a work permit every year until recently; the above mentioned decree also eased the conditions for being eligible for (at least the most restricted) work permit.

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[f] Foreign workers are never completely exempted from the labor permit legislation. The best permit they can get is valid for 5 years which is renewed if the individual maintained legal employment for two and a half years in the past 5 years or for five years in the past eight years. In case they do not fulfil this condition they (in fact: their employer) may have to apply for a limited work permit (Beschäftigungsbewilligung), valid for a maximum of 1 year. The issue of this permit (not its renewal in case the job remains the same) is restricted by a quota.

[g] see note d. In addition: Social assistance is dependent on a - at least provisional - legal stay in most cases, only three provinces allow social assistance for persons with no right to stay under certain circumstances. The laws of three provinces state that social assistance for asylum seekers is only possible in case the person concerned does not have a claim to some assistance on the basis of some other law. Vienna explicitly denies asylum seekers a right to social assistance, assistance based on administrative discretion, though, is still possible.

[h] The question is irrelevant for for asylum seekers, de facto refugees, seasonal workers or harvesters in most cases.

[i] In addition: The federal state provides needy asylum seekers with accommodation, food and health care but they don't have a legal claim to it. Fewer and fewer asylum seekers have been accepted into this program of federal support (*Bundesbetreuung*) in recent

[j] De facto refugees and asylum seekers in the program of federal support (see note i) do have access to health care; asylum seekers outside this program are dependent on emergency health care within the scope of social assistance.

[k] Normal conditions apply in case they are employed - which is highly unlikely (see column "access to the labor market).

[l] Compulsory education applies to all children who stay in Austria "permanently", therefore also to children of asylum seekers, de facto refugees and temporary workers who stay in Austria for more than just a few days or weeks. The law does not set legal residence as a condition.

[m] Asylum seekers: They need a labor permit, the issue of which is extremely unlikely as the authorities have to make sure that there are no workers available from 8 other groups of persons (citizens, recognized refugees, people with 8 years of residence, etc.) who could fill the position. De facto refugees. Up to now Austria gave protection to two groups of de facto refugees: Bosnians (1992-95) and Albanians from Kosovo (1999-00). Bosnians were given access to the regular system of employment of foreigners gradually, but they still needed a permit. Albanians were not given access to the labor market.

[n] There are two groups of relevance in this context: seasonal workers (maximum stay: 6 months), harvesters (maximum stay: 6 weeks) and employees of internationally operating companies who are designated to work in Austria only for a limited period of time

[o] see note h. In addition: question is irrelevant for seasonal workers and harvesters.

[p] See note b. In addition: Seasonal workers and harvesters have no right to bring their families and there is no family assistance for family members living abroad. Temporary workers in international companies do have the right to bring their families, in case they are employed (which is the basis of their residence permit) they may also get the benefit.

[q] Harvesters only have a mandatory health and accident insurance, seasonal workers and rotating workers also pay contributions to the old age pension and unemployment insurance but they may be (in case of the seasonal workers: they are) in the country far too short to get a claim to the benefits.

[r] The work permit of all three types of temporary workers is limited to a particular job.

Description of Benefit Programs in Austria

Social Assistance *(Sozialhilfe)* – Consists of means-tested aid to subsistence, aid in special circumstances and social services (types and forms of social assistance vary with province). It may be cash assistance or assistance in kind (medical treatment, counsel, accommodation in special homes, care, etc.). People who meet the conditions have a legal claim to aid to subsistence whereas aid in special circumstances and social services are granted on a discretionary basis.

Rental Assistance *(Wohnbeihilfe)* – Means-tested allowance used towards private rental accommodations.

Social Housing – The provinces subsidize the building of new houses which have to be rented out to persons whose income does not exceed certain limits. De facto refugees as well as asylum seekers (in case they are accepted in the federal support program to which even asylum seekers with a provisional permit to stay do not have a legal claim) are granted accommodation.

Family Assistance *(Familienbeihilfe)* – Cash allowance provided to families with children.

Health care and insurance (*Krankenversicherung*) – Contributory health care linked to prior employment. However, poor people without health insurance may get health care as part of the system of social assistance.

Old Age Pension (*Pensionsversicherung*) – Contributory pension for individuals in the labor force. Individuals may claim an old age pension after having worked a certain period of time (15 years minimum) at the age of 60 (women) or 65 (men).

Unemployment Insurance (*Arbeitslosenversicherung*) – Contributory insurance for individuals in the labor force. Individuals may claim this benefit for 20 to 52 weeks when they are unemployed in case they were employed before for at least one (in case of first time unemployed) or one half year (repeated unemployment). After the claim to unemployment benefit has been exhausted they have a claim to a different kind of benefit (*Notstandshilfe*) if they cannot pay for their subsistence.

Grants or Loans for Higher Education – Grants for higher education financed by the state.

Education for Children – Public education.

Job Training – A) Courses provided by the public employment office (*Arbeitsmarktservice*) for registered unemployed to improve their skills and to enhance their employability. B) Apprenticeship: 3-year learning on the job at a specific employer, most often after leaving the Austrian school system at the age of 15.

Percentage of Foreigners in Total Population: 9.3% (2000)
Percentage of Non-EU Citizens in Total Foreign Population: 86.5% (2000)

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Table 3. Summary Table of Benefit Eligibility in Canada

		Safety Net				Social Insurance		Social Investments				Access to the Labor Market
Status		Social Assistance (municipal jurisdiction)	Housing Assistance: Rent Subsidy	Housing Assistance: Social Housing (municipal & provincial jurisdiction)	Child Tax Benefit	Health care and insurance (provincial jurisdiction)	Old Age Security	Employment Insurance	Immigrant Settlement and Adaptation Program	Grants or Loans for Higher Education (provincial jurisdiction)	Education for Children (provincial jurisdiction)	Job Training	
Citizen	Canadian Nationals	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N/A	Yes	Yes	Yes	Open
Landed immigrants (Presumptively Permanent)	Legal Permanent Residents (Non-Family Class)	Yes[a]	Yes	Yes	Yes	Yes[b]	Yes[c]	Yes	Yes	Yes[d]	Yes	Yes	Open
	Family Class Legal Permanent Residents	No[e]	No[e]	No[e]	Yes	Yes[b]	Yes[c]	Yes	Yes	Yes[d]	Yes	Yes	Open
	Recognized Refugees[f]	Yes[g]	Yes	Yes	Yes	Yes[g]	Yes[c]	Yes	Yes	Yes[d]	Yes	Yes	Open
Non-permanent residents (Presumptively Temporary)	Asylum seekers and de facto refugees	Yes	Yes	Yes (depending on region -- municipal jurisdiction)	No	Yes[g]	No	Limited[h]	Yes	No	Yes	No	Restricted
	Temporary workers	—	—	—	Yes[i]	Yes[j]	No	Yes	Yes	No	Yes	No	Restricted
	Ministerial permit	Yes	Yes	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes	Open
	Student permit	No	No	No	No	No	N/A	No	No	No (University can grant a subsidy and work on campus depending on permit)	Yes	No	Restricted

— = Don't Know

Source: Pendakur 2000; Citizenship and Immigration Canada

[a] Social Assistance is administered at the provincial level and rules of eligibility may differ from province to province.
[b] Basic hospital and doctors' fees. In British Columbia, Ontario and New Brunswick, noncitizens must wait 3 months before receipt of medical benefits.
[c] A reduced pension is provided to permanent residents living in the country for less than 40 years.
[d] Access to scholarships, bursaries or student loans depend on length of residence in Canada.
[e] Sponsors of these immigrants sign a 10 year contract stating that the sponsor will be responsible for the food, clothing and shelter of the sponsored immigrant and that the sponsored immigrant will not apply for social assistance. If they are found in violation of this contract, the sponsors may be taken to court for repayment and their ability to sponsor another relative is impaired.
[f] Refugees are also entitled to Resettlement Assistance (cash assistance) up to 12 months or until self-sufficient, whichever occurs first.
[g] Both recognized refugees and asylum seekers receive health benefits through the Interim Federal Health Program of Citizenship and Immigration Canada.
[h] In order to receive unemployment insurance, the recipient must have employment authorization. According to Citizenship and Immigration Canada, "only those who could not subsist without public assistance are eligible for employment authorization" (CIC 2000).
[i] Only those visitors or holders of a Minister's Permit who have lived in Canada for 18 months are eligible for the Child Tax benefit.
[j] Temporary workers are granted medical benefits in select provinces.

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Description of Benefit Programs in Canada

Social Assistance – Means-tested cash assistance for needy individuals.
Rent Subsidy – Means-tested allowance used towards private rental accommodations.
Social Housing – Placement in public authority housing.
Child Tax Benefit – Federal government-provided monthly cash payments to parents or guardians of children under the age of 18. The amount differs according to family income, number of children and ages.
Health care and insurance – Contributory health care, usually provided through the employer. The government provides emergency health care to all individuals. Eligibility rules differ by province.
Old Age Security (OAS) – Government-provided pension offered to elderly individuals based on the number of years legally present in the country after age 18.
Unemployment Insurance – Contributory insurance for individuals in the labor force. Individuals may claim this government-provided benefit when they are unemployed.
Immigrant Settlement and Adaptation Program (ISAP) – A federal government program that provides funds to immigrant-serving organizations. Quebec, Manitoba and British Columbia do not use immigrant-serving organizations as an intermediary. Services provided with ISAP funds include:

- — newcomer orientation;
- — directing immigrants to community resources;
- — providing interpretation or translation services;
- — providing short-term counselling;
- — providing employment-related services.

Grants or Loans for Higher Education – Grants for higher education financed by the state.
Education for Children – Public education.
Job Training – Immigrant specific job training is handled by the Immigrant Settlement and Adaptation Program. All other job training is referred by local branches of Human Resource Centres of Canada (HRCC).

Percentage of Foreigners in Total Population: 18% (1996)

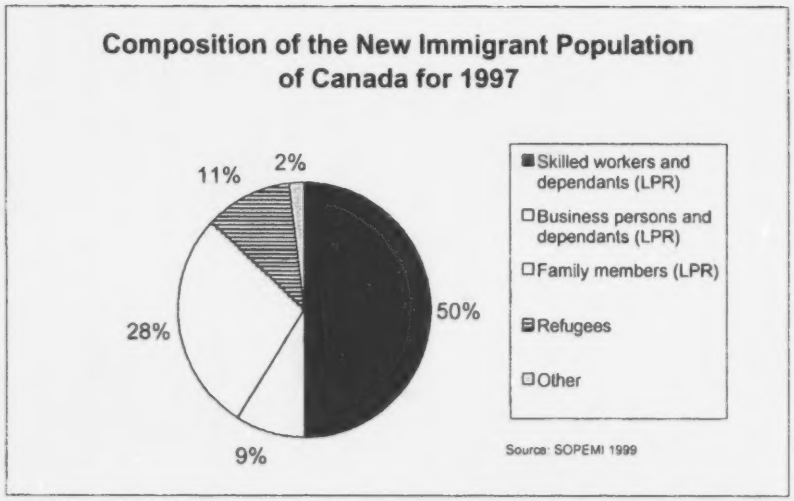
Composition of the New Immigrant Population of Canada for 1997
11%
2%
50%
28%
9%
Skilled workers and dependants (LPR)
Business persons and dependants (LPR)
Family members (LPR)
Refugees
Other
Source: SOPEMI 1999

Table 4. Summary Table of Benefit Eligibility in France

Status		Safety Net				Social Insurance		Social Investments				Access to Labor Market
		Social Assistance[a]	Housing Assistance		Child Assistance	Health care and insurance	Old Age Pension	Unemployment Insurance	Integration Assistance	Education	Education for Children	Job Training	
			Rental Assistance	Public Housing									
Citizen	French Nationals	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
Presumptively Permanent	Migrants with permanent residence permit (*carte de résidence*)	Yes	Yes	Yes	Yes	Yes	Yes[b]	Yes	Yes	Yes	Yes	Yes	Open
	Migrants (including tolerated refugees) with long-term residence permit (*carte de séjour*)[c]	Yes	Yes	Yes	Yes	Yes	Yes[b]	Yes	Yes	Yes	Yes	Yes	Open
	Recognized refugees	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
Presumptively Temporary	Asylum seekers	Limited[d]	No	No	No	No	No	No	Yes	No	Yes	No	Closed
	Temporary labor migrants and visitors	No	No	No	No	Restricted[e]	No	No	Yes	No	Yes	No	Limited
Supra-national	EU Members[f]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open

Sources: Feist 2000; Waldrauch 2000; SOPEMI 1999; Dörr and Feist 1997; Bommes, Castles, and Wihtol de Wenden 1999; Brubaker 1999; Hair 1996; Smith and Blanc 1996

[a] Although social assistance may be limited for adults, children receive some assistance irrespective of citizenship or nationality.
[b] France also provides contribution-independent increases for low pensions up to an old-age minimum but these are limited to French citizens and nationals of countries who have signed agreements of reciprocity.
[c] Must be renewed every 10 years.
[d] Asylum seekers only have access to certain forms of cash assistance—they are eligible for fewer programs than are citizens and permanent residents.
[e] Only available to documented labor migrants—others have no access to health benefits and will be denied carte de séjour if an attempt is made to claim these benefits.
[f] These benefits are available to EU members who have joined the permanent labor force, not to visitors and travelers.

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Description of Benefit Programs in France

Social Assistance - Means-tested cash payments to needy individuals.

Rental Assistance - Cash payments for assistance in paying rent.

Public Housing - Publicly owned and operated housing, now largely inhabited by immigrants.

Child Assistance - Means-tested cash payments to needy families with children.

Health Care and Insurance - French health care, following the insurance model, is contributory and tied to employment—thus nearly one million people are without health care, and it is assumed that immigrants are over-represented in this category. However, non-governmental organizations generally fill these gaps.

Old Age Pension - Contributory pension for working individuals. The pension plan is progressive in that the government pays a minimum pension which is granted after 37.5 years of French residence regardless of place and citizenship—this favors low-income pensioners, a group in which immigrants are over-represented.

Unemployment Insurance - Contributory government-provided insurance for individuals in the labor force without a job.

Integration Assistance - French language instruction, available to those lacking appropriate French proficiency.

Education: Access to vocational school and higher education.

Education for Children: Public schooling available to children.

Job Training: Government-sponsored classroom instruction and private training.

Percentage of Foreigners in Total Population: 5.6% (1999)
Percentage of Non-EU Citizens in Total Foreign Population: 63.4% (1999)

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Table 5. Summary Table of Benefit Eligibility in Germany

Status		Safety Net				Social Insurance			Social Investments				Access to the Labor Market
		Social Assistance (Sozialhilfe)	Housing Assistance		Child Assistance[a] (Kindergeld)	Health care and insurance	Old Age Pension	Unemployment Insurance	Integration Assistance	Grants or loans for higher education	Education for Children	Job Training	
			Rental Assistance	Social Housing									
Citizen	German Nationals	Yes	Yes	Yes	Yes	for employed, registered unemployed and their families	after being employed for a certain time	after being employed for a certain time	N/A	Yes	Yes	Yes	Open
	Ethnic Germans (*Aussiedler*)	Yes	Yes	Yes[b]	Yes	Yes	after being employed for a certain time	after being employed for a certain time	Yes	Yes	Yes	Yes	Open
Presumptively Permanent	Settled Guestworkers with unlimited residence permit[c] (*Aufenhaltsberechtigung*) Granted after 8 years of residence	Yes[d]	Yes	Yes[e]	Yes[f]	for employed, registered unemployed and their families[g]	after being employed for a certain time (same as German citizens)	after being employed for a certain time (same as German citizens)	No	Yes	Yes	Yes	Open
	Settled Guestworkers with limited residence permit[c] (*Aufenthaltserlaubnis*)	Yes[d]	Yes[f]	Yes[e]	Yes[f]	for employed, registered unemployed and their families[g]	after being employed for a certain time (same as German citizens)	after being employed for a certain time (same as German citizens)[i]	No	Yes	Yes	Yes	Restricted[i]
	Recognized Refugees (*Asylberechtigte*)	Yes	Yes	Yes	Yes	Yes	after being employed for a certain time (same as German citizens)	after being employed for a certain time (same as German citizens)	No	Yes	Yes	Yes	Open
Presumptively Temporary	Asylum seekers and de facto refugees (*Asylbewerber*)[h]	Very Modest[f]	Yes	Yes[b]	No	Emergency care only	No	after being employed for a certain time (same as German citizens)	No	Yes	Yes	No	Very Limited[h]
	Temporary workers (project-tied or seasonal workers)	No	No	No	No	Emergency care only[f]	No[h]	No[h]	No	No	No	No	Closed[h]
Supra-national	EU Members[a]	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Open

Source: Waldrauch 2000; Faist 2000; Christian 1998; Wenzel and Bos 1997; Faist and Dorr 1997; Faist And Haubermann 1996; Gieseck et al. 1995. Additional information provided by Harald Waldrauch based on the following two volumes: Ulrike Davy, ed., forthcoming. "Die Integration von Einwanderern. Band 1:Rechtliche Regelungen im europäischen Vergleich." [The Integration of Immigrants. Volume 1: Comparing Legal Rules in European States.] Frankfurt, New York: Campus Verlag. Harald Waldrauch, ed., forthcoming. "Die Integration von Einwanderern. Band 2: Ein Index legaler Diskriminierung." [The Integration of Immigrants. Volume 2: An Index of Legal Discrimination.] Frankfurt, New York: Campus Verlag.

[a] Child Assistance is only granted to those with certain types of residence permits (*Aufenthaltsberechtigung* or *Aufenthaltserlaubnis*, not *Aufenthaltsbewilligung* or *Aufenthaltsbefugnis*.)

[b] Ethnic Germans have first preference in the pool of apartments in the social housing stock. Asylum seekers must be housed by local authorities while their asylum application is pending.

[c] This permit can be acquired at the earliest after 8 years of residence.

[d] Use of social assistance or even fulfilling the conditions for it (i.e. lack of means) by noncitizens who have an ordinary (limited) permit (*Aufenthaltsbewilligung* and *Aufenthaltserlaubnis*) may result in non-renewal of residence permit. But even for holders of an *Aufenthaltsberechtigung* the range of types of assistance to which they have a legal claim is limited, all other types of assistance may be granted "insofar as it is justified in the individual case at hand".

[e] No discrimination against noncitizens with respect to access to publicly subsidized housing.

[f] Rental cash assistance or child assistance granted does not count as own income during the residence permit renewal process. Lack of sufficient income can lead to non-renewal of the residence permit. In addition: no child assistance for children (of citizens or non-citizens) living abroad (unless provided for - on a reduced level - in bilateral agreements).

[g] No health insurance for family members (of citizens or noncitizens) living abroad (unless provided for in bilateral agreements).

[h] The so called "Aufenthaltserlaubnis" may be a limited or an unlimited residence permit - in contrast to the "Aufenthaltsberechtigung" which is always unlimited permit. An unlimited "Aufenthaltserlaubnis" can be acquired at the earliest after 5 years of residence. The so called "Aufenthaltsbewilligung" is granted to persons whose residence is presumably temporary; holders of this title may not acquire a permanent residence right.

[i] If this worker is unemployed for more than one year and the Federal Employment Agency determines that the individual will not be able to find a job, the claim to unemployment insurance may be denied. EU members and Turkish nationals are not subject to this scrutiny.
[j] Restricted to occupation, occupational field or contract. Holders of an unlimited Aufenthaltserlaubnis are free to take up any employment.
[k] If asylum proceedings take longer than one year, asylum seekers are entitled to benefits according to the federal law on welfare.
[l] Only asylum seekers and de facto refugees receive in kind social assistance instead of cash assistance. Asylum seekers and de facto refugees receive a limited form of Aid to Subsistence while their asylum cases are processed. Since July 1, 1997, asylum seekers were given a time limit of three years for receipt of this form of assistance.
[m] Non-EU members can only accept a job if no German, EU member or migrant with equal status can fill the position.
[n] Contract laborers may not claim social insurance benefits because they should be insured in their home country. However, they may claim emergency medical care, if necessary.
[o] EU members are included in the German welfare state as soon as they or their spouse enters the German labor market.

Description of Benefit Programs in Germany

Social Assistance *(Sozialhilfe)* - Comprised of Aid to Subsistence (legal claim) and Aid to Subsistence for Special Circumstances (granting of some types of assistance under this heading is based on the discretion of the authorities). Social assistance is means-tested cash assistance or assistance in kind (e.g. counsel, care, etc.) for needy individuals.

Rental Assistance *(Wohngeld)* – Means-tested allowance used towards private rental or self-owned accommodations.

Social Housing – The state subsidizes the building of new houses which have to be rented out to persons whose income does not exceed certain limits. Ethnic Germans have priority in the queue for social housing. Asylum seekers must be housed by local authorities while their application for asylum is processed. If no public housing is available for asylum seekers, they may be housed in pensions/hotels, private-owned houses, public-owned buildings (e.g. schools) or temporary accommodations. Costs are covered locally and are partly reimbursed by the Länder and the federal government.

Child Assistance *(Kindergeld)* – Cash allowance provided to families with children.

Health care and insurance *(Krankenversicherung)* – Contributory health care, usually provided through the employer. The government provides emergency health care to temporary workers and asylum seekers/de facto refugees.

Old Age Pension *(Rentenversicherung)* – Contributory pension for individuals in the labor force. Individuals may claim a government-provided old age pension after working a certain period of time.

Unemployment Insurance (Arbeitslosenversicherung) – Contributory insurance for individuals in the labor force. Individuals may claim this government-provided benefit when they are unemployed.

Integration Assistance – German language courses and retraining.

Grants or Loans for Higher Education *(Ausbildungsförderung)* – Grants for higher education financed by the state.

Education for Children – Public education.

Job Training – Vocational training provided by individual employers. Although subject to governmental regulation, employers decide on who may obtain an apprenticeship so there is room for discrimination against non-citizens.

Percentage of Foreigners in Total Population: 8.9% (1999)

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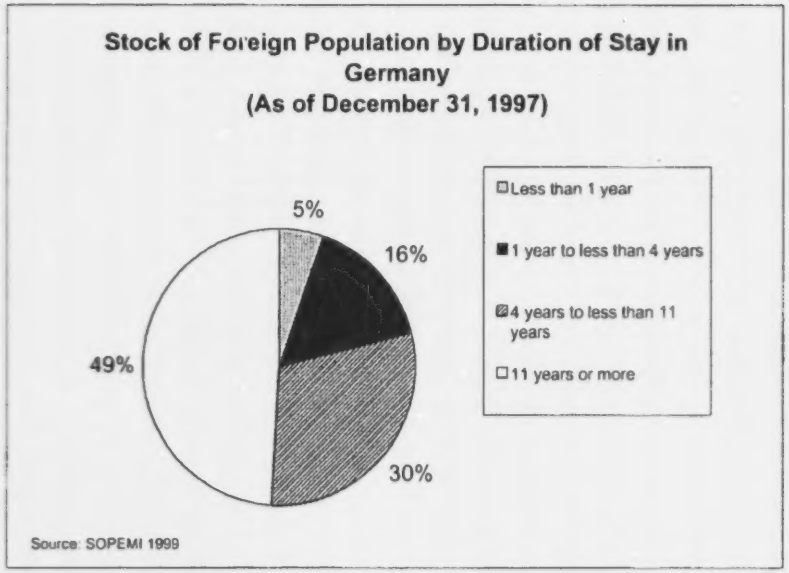
Stock of Foreign Population by Duration of Stay in Germany
(As of December 31, 1997)
5%
16%
49%
30%
Less than 1 year
1 year to less than 4 years
4 years to less than 11 years
11 years or more
Source: SOPEMI 1999

Table 6. Summary Table of Benefit Eligibility in Israel

		Safety Net				Social Insurance			Social Investments				Access to Labor Market
Status		Social Assistance	Housing Assistance[a]		Child Assistance	Health care and insurance[b]	Old Age Pension	Unemployment Insurance	Integration Assistance	Education	Education for Children	Job Training	
			Rental Assistance	Public Housing									
Citizen	Law of Return citizens[b]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
	Naturalized citizens[c]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
Presumably Permanent	Migrants with temporary residence cards[d]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
	Recognized refugees[e]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
Presumably Temporary	Asylum seekers[f]	—	—	—	—	—	—	—	—	—	—	—	—
	Temporary work migrants	No	No[g]	No[g]	No	No[g,h]	No	No	No	No	Yes	No[g]	Limited[i]

— = Don't Know

Sources: Borowski 2000; Central Bureau of Statistics, Israel 2000; Rosenhek 1999; Shachar 2000; Lustick 1999; Geva-May 1996; Markowitz 1996. Additional information provided by Allan Borowski of Latrobe University and John Gal and Uri Yaney of the Paul Baerwald School of Social Work, The Hebrew University of Jerusalem.

[a] In addition to these forms of housing assistance, new immigrants are eligible to receive low-interest state-supported mortgages.
[b] Law of Return citizens are Jewish migrants or migrants directly related to Jews who are invited to settle in Israel; they are immediately granted citizenship, based upon the *ius sanguinis* principle.
[c] Naturalized citizens are non-Jewish immigrants who must meet certain criteria for citizenship, including a residency requirement and renunciation of prior citizenship—two important requirements that Jews are not required to meet.
[d] Temporary residence status last three years, at which point temporary residents must decide to become naturalized citizens or to leave the country.
[e] This category only serves to identify non-Jewish refugees, as Jewish refugees, by virtue of their *jus sanguinis* privilege, are part of the aggregate of Law of Return citizens. Similar to the asylum seekers (see note f), it seems that refugees do not have an official status of their own; rather they are admitted on tourist visas but are somehow recognized as refugees. There are very few noncitizens who fall into this category.
[f] It would appear that asylum seekers enter on tourist visas and are not granted special status—this holds only for non-Jewish asylum seekers, as all Jews immediately achieve citizenship as stipulated by the Law of Return. The process for non-Jewish asylum seekers, however, is unclear, as it appears that those non-Jewish migrants who are essentially asylum seekers do not have an official and discreet status under the Israeli migration regime. There are very few noncitizens who fall into this category.
[g] The provision of these benefits is the responsibility of private employers.
[h] According to a recently passed law, children of temporary workers are now eligible for health care.
[i] Limited only to specific jobs for which these migrants were recruited; upon termination of employment, these migrants are required to leave the country.

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Description of Benefit Programs in Israel

Social Assistance - Cash payments for needy individuals.
Rental Assistance - Allowance for the use in private accommodations.
Public Housing - Government owned and run housing.
Child Assistance - Cash allowance provided to families with children.
Health Care and Insurance - Contributory state-run health insurance open to all citizens. Health care for temporary workers, however, is the responsibility of the employers, although little action has ever been taken by the state to insure that employers provide health care.
Old Age Pension - Contributory pension for elderly workers.
Unemployment Insurance - Government-provided insurance offered to laborer-citizens without jobs (non-citizen laborers must leave the country upon termination of employment).
Integration Assistance - Hebrew instruction through the *ulpan* system.
Education - State-subsidized higher education.
Education for Children - Public schools
Job Training - Vocational training provided by the state and by individual employers; non-citizen laborers must be trained by their employers only.

Percentage of Foreign-Born in Total Population: 38.7% (1998)

Table 7. Summary Table of Benefit Eligibility in The Netherlands

Status		Safety Net				Social Insurance			Social Investments				Access to the Labor Market
		National Assistance	Housing Assistance		Child Benefits	Health care and insurance[a]	Old Age Pension[b]	Unemployment Insurance	Integration Assistance	Grants or Loans for Higher Education	Education for Children	Job Training	
			Rent Subsidy	Social Housing									
Citizen	Dutch Nationals	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
Presumptively Permanent	Labour Migrants, Families	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open[c]
	Recognized Refugees and De Facto Refugees	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
Presumptively Temporary	Asylum seekers	No[d]	No[d]	No[d]	No	Yes	No	No	No	No	Yes	No	Limited[e]
	Temporary workers	Yes[f]	Yes	No	Yes	Yes	Yes	No	No	No	Yes	No	Closed[g]
Supra-national	EU Members	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Open

Source: Waldrauch 2000; Faist 2000; Faist and Dorr 1997. Additional information provided by Kees Groenendijk.

[a] Employers provide contributory health care and insurance for 'Normal Risks.' The government provides non-contributory health care for 'Special Risks' (e.g. Nursing home care).
[b] Old Age Pension is tied to employment indirectly. Individuals are paid, not based on contribution but on the basis of number of years present in the country during working age years (15-65). Any person legally resident in the Netherlands is entitled to a flat-rate pension above the minimum welfare level.
[c] For workers, access to the labor market is open after three years with a labor permit. For family members, access to the labor market is open directly after admission.
[d] Asylum seekers are excluded from almost all benefits. Almost all asylum seekers are housed in special government paid reception centers. Food and a small amount of pocket money is also provided to asylum seekers in these reception areas.
[e] After six months, asylum seekers may work seasonal jobs up to 12 weeks per year.
[f] Continued use of National assistance may lead to non-renewal of residence permit.
[g] Temporary workers may only work on the basis of a labour permit restricted to a particular job with a particular employer. Only after three years will they have free access to employment.

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Description of Benefit Programs in the Netherlands

National Assistance – Means-tested cash assistance for needy individuals.
Rent Subsidy – Means-tested allowance used towards private rental accommodations.
Social Housing – Placement in public authority housing.
Child Benefits – Cash allowance provided to families with children.
Health care and Insurance – Classified into 'Normal Risk' health care and 'Special Risk' health care (e.g. Nursing home care), the government provides 'special risk' health care to most individuals. 'Normal Risk' health care is contributory health care and insurance, usually provided through the employer.

Old Age Pension – Government-provided pension offered to elderly individuals based on the number of years legally present in the country during working age years (15-65).
Unemployment Insurance – Contributory insurance for individuals in the labor force. Individuals may claim this government-provided benefit when they are unemployed.
Integration Assistance – The 1998 Integration Act, *Inburgeringswet*, provides for an obligatory language and introduction course (600 hours) for most new immigrants.
Grants or Loans for Higher Education – Grants for higher education financed by the state.
Education for Children – Public education.
Job Training – A set of training measures provided by the government aimed at teaching special skills or improving access to employment for the participant.

Percentage of Foreign-Born in Total Population: 8.5% (2000)
Percentage of Noncitizens in Total Population: 4.2% (1999)
Percentage of Non-EU Citizens in Total Noncitizen Population: 71.1% (1999)

Table 8. Summary Table of Benefit Eligibility in the United Kingdom

Status		Safety Net				Social Insurance			Social Investments				Access to Labor Market
		Social Assistance	Housing Assistance		Child Assistance	Health care and insurance	Old Age Pension	Unemployment Insurance	Integration Assistance	Education	Education for Children	Job Training	
			Rental Assistance	Public Housing									
Citizen	British Nationals	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
Presumptively Permanent	Migrants with permanent residence permits[a]	Five Year Bar for Third Country Nationals; eligible otherwise.	Five Year Bar for Third Country Nationals; eligible otherwise.	Five Year Bar for Third Country Nationals; eligible otherwise.	Five Year Bar for Third Country Nationals; eligible otherwise.	Yes	Yes	Yes	Five Year Bar for Third Country Nationals; eligible otherwise.	Yes	Yes	Yes	Open
	Migrants with long-term residence permits[a]	Limited to certain groups[b]	Five Year Bar for Third Country Nationals; eligible otherwise.	Five Year Bar for Third Country Nationals; eligible otherwise.	Limited to certain groups[b]	Limited to certain groups[b]	Limited to certain groups[b]	Limited to certain groups[b]	Five Year Bar for Third Country Nationals; eligible otherwise.	Limited to certain groups[b]	Yes	Limited to certain groups[b]	Open
	Recognized refugees	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
Presumptively Temporary	Asylum seekers	No[c]	Yes[c]	Yes[c]	No	Yes	No	No	Yes	No	Yes	No	Closed
	Temporary labor migrants and visitors[d]	No	Yes[c]	Yes[c]	No	No	No	No	Yes	No	Yes	No	Limited[e]
Supra-national	EU Members established as workers	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open

Sources: Groenendijk et al. 2000; Faist 2000; Waldrauch 2000; SOPEMI 1999; Morris 1998; Dörr and Faist 1997

[a] Temporary migrants, non-EU laborers, and family reunification migrants are admitted under the "no recourse to public funds condition," and thus these migrants are not eligible for public funds. Public funds is understood to mean any type of social benefit, except for housing assistance, for which eligibility varies locally. Legislation passed in 1999 further extended the bar to Third Country Nationals admitted with Indefinite Leave to Remain subject to a formal agreement that he or she will not be have access to public funds for five years when they will be entitled to apply for naturalization.

[b] Only migrants granted an Indefinite/Exception Leave to Remain and resident for five years may receive these benefits.

[c] Local governments can grant up to 90% of social benefits to asylum seekers but it is up to their discretion.

[d] Subject to local variation.

[e] Limited to temporary labor migrants only.

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Description of Benefit Programs in the United Kingdom

Social Assistance - Means-tested cash payments to needy individuals

Rental Assistance - Cash payments for assistance in paying rent

Public Housing - Public authority housing units (council flats), distributed to needy families and individuals according to waiting lists, which can sometimes function to discriminate against immigrants.

Child Assistance - Means-tested cash payments to needy families with children.

Health Care and Insurance - the National Health Service includes all residents regardless of individual contributions. Migrants admitted to the UK under the "no recourse to public funds" condition are denied the majority of public health benefits. However, the NHS runs special programs to address the needs of migrants or ethnic minorities.

Old Age Pension - Basic contributory flat-rate pension tied to payment of minimum contributions for set periods, combined with a contributory supplementary pension payments varying according to income.

Unemployment insurance - Contributory government-provided pension for laborers without jobs.

Integration Assistance - English language instruction for those without appropriate English skills.

Education - Decentralized system of further education sponsored by the ministry of education and by several non-governmental sources.

Education for Children - Public schools.

Job Training - Vocational training provided at colleges, although a larger emphasis is placed upon training by individual employers.

Percentage of Foreign Nationals in Total Population: 3.6% (1997)

Table 9. Summary Table of Benefit Eligibility in the United States

		Safety Net							Social Insurance		Social Investment			Access to the Labor Market
Status		SSI	TANF	Food Stamps	State/Local Public Benefit	Housing Assistance: Rental Assistance	Housing Assistance: Public Housing	CHIP	Medicaid	Social Security	Unemployment Insurance	Loans and Grants for Higher Education	Education for Children	Job Training	
Citizen	American Nationals	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Open
Presumptively Permanent	Legal Permanent Residents	No	Barred for first 5 years; state option afterward	No	State Option	Yes	Yes	Barred for first 5 years; eligible afterward	Barred for first 5 years; state option afterward	Yes	Yes	Yes	Yes	Yes	Open
	Legal Permanent Residents with 40 quarters of work[a]	Barred for first 5 years; eligible afterward	Barred for first 5 years; state option afterward	Barred for first 5 years; eligible afterward	Eligible	Yes	Yes	Barred for first 5 years; eligible afterward	Barred for first 5 years; state option afterward	Yes	Yes	Yes	Yes	Yes	Open
	Recognized Refugees	Eligible for first 7 years	Eligible for first 5 years; state option afterward[b]	Eligible for first 7 years	Eligible for first 5 years; state option afterward	Yes	Yes	Yes	Eligible for first 7 years; state option afterward[c]	Yes	Yes	Yes	Yes	Yes	Open
Presumptively Temporary	Asylum Seekers	No	No	No	No[d]	Limited[e]	Limited[e]	No	No[f]	No	No	No	Yes	No	Restricted[g]
	Temporary Workers (non-immigrants)	No	No	No	No[h]	Limited[e]	Limited[e]	No	No[f]	No	No	No	Yes	No	Restricted[h]

Note: This table only applies to noncitizens who legally entered the United States after August 22, 1996. The eligibility of noncitizens who entered the U.S. before that date is less restricted than those who entered after but in many cases still not on par with citizens' eligibility.

Source: NILC 2000; Zimmermann and Tumlin 1999; NILC 1998.

[a] An immigrant may be credited with quarters of work completed by his/her spouse while married or parent while a minor child.
[b] Refugees are given Refugee Cash Assistance for their first 8 months in the U.S. if they do not qualify for TANF.
[c] Refugees are given Refugee Medical Assistance for their first 8 months in the U.S. if they do not qualify for Medicaid.
[d] State Option. States may provide state and local public benefits to unqualified immigrants only if they pass a law after August 22, 1996.
[e] Time limit of 18 months unless living with a citizen or a legal permanent resident.
[f] Emergency Care Only
[g] Asylum seekers are barred from the labor market for 180 days. After this time period, employment authorization is subject to Immigration and Naturalization Service approval.
[h] Restricted to employer or occupational field.

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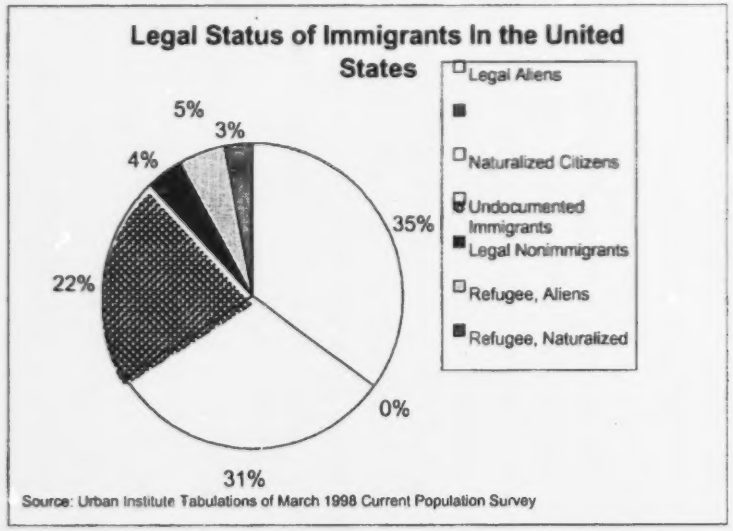
Description of Benefit Programs in the United States

Supplemental Security Income (SSI) – SSI is a needs-based program available to low-income individuals who are older than 64, blind or disabled. SSI is monthly cash assistance that can be supplemented by state funds.
Temporary Assistance for Needy Families (TANF) – Cash payments, vouchers, social services and other forms of assistance to low-income families with children.
Food Stamps – Coupons for low-income persons so that they may buy food at participating stores.
State/Local Public Benefit – These programs could include General Assistance or a similar cash assistance program for needy individuals and in-home assistance programs.
Rental Assistance – Vouchers and rental payments to landlords.
Public Housing – Housing in a publicly-owned building. This can include rural housing for farmworkers.
Child Health Insurance Program (CHIP) – Health insurance coverage for uninsured, low-income children. Funding comes from the federal government but states design and implement the program.
Medicaid – Reimbursement for doctors' services, hospital care, and prescription drugs to participating providers who care for low-income persons. The federal government matches state funds for this program.
Social Security – Contributory pension for individuals in the labor force. Individuals may claim a government-provided old age pension after working a certain period of time.
Unemployment Insurance – Contributory insurance for individuals in the labor force. Individuals may claim this government-provided benefit when they are unemployed.
Grants or Loans for Higher Education – Grants for higher education financed by the state.
Education for Children – Public education.

Number of Immigrants: 28.5 million (1998)
Percentage of Foreigners in Total Population: 10% (1998)



Source: Urban Institute Tabulations of March 1998 Current Population Survey

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